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November 21, 2019

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Eutelsat S.A., Notice of *Ex Parte* Communication, GN Docket No. 18-122;
RM-11791; RM-11778**

Dear Ms. Dortch:

On November 19, 2019, Rodolphe Belmer, Chief Executive Officer, and Wladimir Bocquet, Director of Regulatory Affairs, Spectrum Management & Policy, both of Eutelsat S.A. (“Eutelsat”), together with Richard R. Cameron and the undersigned, both of LMI Advisors, met in separate meetings with Chairman Pai and his Senior Counsel, Nick Degani; Commissioner Carr and his Legal Advisor, Will Adams; and Commissioner Starks and his Chief of Staff, Bill Davenport. In addition, Messrs. Bocquet and Cameron met with Joel Miller, Chief of Staff to Commissioner O’Rielly. In the meetings, we discussed Eutelsat’s positions in the above-referenced proceedings.

First, Eutelsat expressed its appreciation for the Chairman’s recent announcement supporting a public auction of 280 MHz of spectrum in the 3.7-4.2 GHz band for terrestrial mobile “5G” use within the 48 contiguous United States (“CONUS”). Eutelsat expressed its support for a public auction process that will reallocate this spectrum from satellite to 5G use in an efficient, fair, transparent, and competitively neutral manner.

Second, Eutelsat discussed the principles that should govern the equally important transition, compensation, and incentive processes connected to the reallocation of this spectrum. Specifically, Eutelsat highlighted that those processes also should be efficient, fair, transparent, and competitively neutral with regard to C-band satellites authorized to provide services under U.S. space station licenses and grants of U.S. market access, as well as their earth station operator (“ESO”) customers.

Eutelsat reiterated that the Commission should place primary, enforceable responsibility directly with each C-band satellite operator to manage and complete the transition of their ESO customers’ services out of the affected spectrum. The satellite operators themselves are best able to accomplish the transition quickly because they are most familiar with their own ESO customers’ needs, and best positioned to work cooperatively with ESO customers to effect the transition in timely manner, according to voluntary, market-based arrangements.

An efficient, market-based transition structure could be overseen by a transition monitor to manage payments to satellite operators and to facilitate Commission tracking of transition progress. As Eutelsat explained, however, any such entity should have a narrow set of Commission-defined responsibilities, should operate under fair and transparent decision-making and governance rules, and should be structured in a competitively neutral manner.


Third, Eutelsat suggested that the Commission should establish an auction approach that maximizes auction proceeds for the U.S. Treasury while ensuring that all costs incurred by C-band satellite operators to relocate ESO customers out of the affected band are fully covered, and establishing fair and adequate incentives for each C-band satellite operator with capacity to serve the CONUS to participate proactively and expeditiously in the transition. Payments to satellite operators should include:

- A fixed, up-front incentive payment to compensate satellite operators for voluntarily relinquishing their authorizations for modification by the Commission and for undertaking direct and enforceable obligations to manage the transition process and ensure service continuity for their ESO customers;
- Reimbursement of actual and reasonable costs incurred by satellite operators in transitioning ESO customers to other satellite bands or alternative facilities, including the costs of ESO customers equipment modification or replacement and compensation for any ESO customer business disruption; and
- A final incentive payment based on achieving Commission-defined transition requirements, with potential deductions/penalties for failure to meet prescribed timelines, to ensure C-band satellite operators conduct and complete the transition process in a manner acceptable to all stakeholders.

Eutelsat also suggested that it is working to further refine the approach proposed above, including identifying an appropriate total incentive amount that would be paid from auction proceeds to eligible C-band satellite operators and establishing a rational basis for allocating that amount among the satellite operators. Eutelsat committed to work constructively with the Commission and other stakeholders to establish a detailed transition framework based on these principles, and to complete the transition consistent with applicable timelines.

Please do not hesitate to contact me with any questions regarding this matter.

Respectfully submitted,



Carlos M. Nalda
for Eutelsat S.A.

cc: All meeting participants